

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**December 12, 2011, 6:00 P.M.**  
**First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

**I. Approval of Minutes**

- **Executive Session of October 4, 2010** – Mr. Carbone stated that the case is still open so he recommended that the Board continue for another 6 months until the case is closed.

*The Board agreed to continue the Minutes of the Executive Session of October 4, 2010 for six months until June, 2012.*

- **November 14, 2011**

*Motion by Ms. Martin, seconded by Dr. Miller, to approve the Minutes of the Board of Health Meeting of November 14, 2011. Unanimous approval.*

**II. Appointments & Hearings**

- **6:00 p.m. – Susan Odle for 38 Michael Way – Appeal of Condemnation ORDER**
  - Present was Town Counselor, Thomas Urbelis. Ms. Martin stated that Ms. Odle provided a Notice for Automatic Stay based on her filing for Chapter 13 Bankruptcy Protection, and she has asked the Board to continue the Hearing.<sup>1</sup> Ms. Odle did not appear at the Board of Health Meeting; Mr. Carbone recommended that the Board Continue the Appeal of the Hearing.

Attorney Urbelis advised that the Board should take no action or evidence from anyone, should continue the Hearing to the next available date, and should send a notice to Attorney Petrillo informing him of the Board's decision.

*Motion by Ms. Martin, seconded by Dr. Miller, to continue the Hearing for 38 Michael Way until such time that we are notified by Legal Counsel that another Hearing can be scheduled.*

Mr. Carbone suggested that the Board designate a date certain to continue the Hearing and that the next Board of Health Meeting will be on January 9, 2012.

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<sup>1</sup> A copy of the Notice of Automatic Stay is included in the packet after page 27.

*Dr. Miller made a motion to amend the previous motion to define the schedule date for the next Hearing to be January 9, 2012. Ms. Martin seconded the amendment. Vote taken: Ms. Martin, Aye, Dr. Miller, Aye, Ms. Kellman, Aye.*

### **III. Discussion**

- **Sign Home Care, Inc. Agreement** – Mr. Carbone stated that this is the same Contract that the Board has been signing the past four years. This allows us to utilize extra nurses if we have an emergency. We also get help at some of the Nurses Senior Clinics.

*Motion by Ms. Martin, seconded by Dr. Miller to approve and sign the Contract Agreement. Unanimous approval.*

- **Food Service Matters**
  - **Contract Inspectors** – Mr. Carbone stated that at the Board's request he did some research on the costs to contract out the Food Establishment inspections. Mr. Carbone figured that for an outside contractor to do all the yearly inspections would cost approximately \$10,000.00. At this time, our contractor, Michelle Grant, has performed 102 inspections so far this year which also includes some reinspections. Mr. Carbone felt that she probably has done about 80 of the establishments in town so far. The Board asked if we charge for reinspections, and Mr. Carbone replied that we usually do not. We can charge, but sometimes the inspection is just a quick check. Ms. Martin stated that we do make the problem Food Establishments hire Private Inspectors which helps to take care of some of the expenses. Mr. Carbone stated that we need to spend the Health Staff's time with the problem establishments. We now are at the point that we have to use our judgment on where to best allocate our staff. Mr. Tremblay, Health Agent, has been concentrating on inspecting the schools. Mr. Carbone stated that by the end of the year each food establishment should have been inspected at least once. He hopes that thing will finally stabilize, because the Community Development & Planning Department has had staffing issues resulting in use of some of our budget monies. If Ms. Crafts is taken off of Medicare billing, we would lose money needed to pay part of a nurse's salary. Fees haven't been raised in a while, so after the new permitting system is being used, the Board could look at raising them. Mr. Carbone had looked at using an Enterprise Fund, but as a Department we funded 99% of our operating budget with the fees that we generate already. If the Health Division stood alone, then the money generated by Health alone would not be enough. We provide a lot of free services; for instance, we do not charge for investigating complaints of all kinds.
  - **Letter Grading of Establishments** – Ms. Martin stated that she did some research and found that New York City did use letter grading, but it took a long time to get the procedure implemented. In Los Angeles they were able to show improvement after a rating system was approved. Ms. Kellman stated that there

was a 13% decrease in foodborne disease after Los Angeles implemented the rating system. Mr. Carbone stated that our records are all public and anyone has the right to see the inspection reports, but they have to be asked for. Ms. Martin stated that if the consumer can see an A rating in a restaurant, the consumer would know that the restaurant is following all the Health Codes. However, Mr. Carbone felt that there could be a lot of pressure on the Inspectors not to write down violations. Dr. Miller suggested that we provide a reward certificate that the restaurants could put in their windows, and give them the choice to display or not. Mr. Carbone stated that he would be more inclined for a letter grading system, or require the restaurant post their last inspection. Right now we have an Excel sheet with all the inspections listed, so we can tell if violations are repeated, which comes in handy when we need to have an Administrative Hearing. Dates of inspections are listed so that Patty Crafts, Health Agent, can check them to find the older ones that need to be done. If we had use of an I-pad during inspections, we could load pictures on it, then download to the computer and then e-mail the report to the restaurant. We are starting to compile a list of e-mails so that we can more easily notify Permit/License holders when we have issues.

Mr. Carbone stated that he will get New York City's regulations to see how they do the grading system. Ms. Martin stated that she will also research some other locations. Mr. Carbone would like to look to do this regionwide with Methuen, Andover and North Andover. At this time, Methuen, Lawrence and Haverhill may be moving forward with some sort of regionalization. Sometime this week an announcement will be made on who will get the next round of regionalization funds to take the next step. This would help to show what a regional Health Department would look like. Ms. Martin stated that working with North Andover would be good because their restaurants are similar to Andover's. Mr. Carbone suggested that the two Boards could hold some joint Meetings and Hearings to explore this.

- **Salt Shed Letter from the State (Not on Agenda)** – Mr. Carbone gave the Board members a letter from Mass DEP concerning the septic system at the Salt Shed.<sup>2</sup> DEP has granted another one-year Stay to their ORDER to upgrade the septic system on the site because they see the move of the Salt Shed as imminent. In the past Mr. Carbone shared some of the details of the meeting he had with some of the people from the Business Park, Mass DOT and Senator Finegold's office from a few months ago. At that meeting, Mass DOT basically said that the Salt Shed will be relocated to the area of the Business Park. Mass DOT said they would work with the businesses to make the area as aesthetically pleasing as possible.
- **Schedule a Meeting with Attorney Andrew A. Caffrey, Jr. to discuss 49 and 51R School Street Appeal of ORDERS dated November 29, 2011 (Not on Agenda)** – Mr. Carbone informed the Board that he was setting up a meeting with Attorney Caffrey since he was unable to attend this evening's Meeting. Mr. Carbone posted a

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<sup>2</sup> The Letter from Mass DEP concerning the septic system issues at the current Salt Shed location was inserted into packet after page 44.

Meeting for tomorrow night, Tuesday, December 12, 2011 in case the Board could meet then. The Board decided that next Tuesday, December 20, 2011 would be better, so Mr. Carbone stated that he would check with Attorney Caffrey to see if that date works for him, and would cancel the Meeting of December 12, 2011. The two houses are still being fed by hoses from other houses. Due to the poor condition of the line a repair cannot be done. There are no records indicating that there is an agreement or easement that the Archdiocese is liable. Mr. Carbone sent an ORDER to the homeowners because they have to have a water supply, and the Fire Department sent an ORDER to the Archdiocese because they need to have a working fire hydrant.

*Dr. Miller left the Meeting at 7:10 p.m.*

- **ViewPemit Permitting System Update** – Denise Paul, the Administrative Assistant for the Health Division informed the Board that there was a test system set up on Mr. Carbone's Laptop, but that she was not able to do any testing on it yet. The Building Division was still working out issues since they have gone live, and some work had to be done on our side, so that was why there has been a delay in getting the Health Division side up and running. Ms. Martin stated that the yearly renewals would have been a lot easier if the new system was being used. Ms. Paul agreed and stated that the new system allows you to clone a Permit, transferring all data onto a new Permit, where on the current system, all the previous information has to be re-entered. When Ms. Paul tried to issue some permits, the system was not working correctly. Since the test system is now set up, Ms. Paul will do some testing on that and see if she can get some permits to issue correctly.

#### IV. Old Business

- N/A

#### V. Definitive Subdivision Plans

- N/A

#### VI. Plan Review

- **1 Stouffer Circle – LUA to Allow Leaching Area to be 4' Above Water Table where 5' is Required** – Mr. Carbone explained that this site is within the groundwater recharge area for Tewksbury Hospital and this LUA is requested so that a large mound is not left in the yard. It is not within 100' of any wetland, so Mr. Carbone recommended approval.

*Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow the leaching area to be 4' above water table where 5' is required. Unanimous approval.*

- **189 High Plain Road – LUA to Allow Leaching Area to be 3' above the Water Table where 4' is Required; LUA to Allow Leaching Area to be 5' from Front**

**Property Line where 10' is Required** – Mr. Carbone explained that this is in the watershed district between Greenwood Rd and Gleason St. The system is as far away as possible from the wetland, so Mr. Carbone recommended approval.

*Motion by Ms. Miller, seconded by Dr. Miller to approve the LUA to allow the leaching area to be 3' above the water table where 4' is required; LUA to allow leaching area to be 5' from front property line where 10' is required. Unanimous approval.*

- **15 Bellevue Road – LUA to Allow Leaching Area to be 4' Above the Water Table where 5' is Required** - Mr. Carbone explained that this property was also within the groundwater recharge area for Tewksbury Hospital, and the LUA is needed to avoid the requirement of a pump. Mr. Carbone recommended approval.

*Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow the leaching area to be 4' above the water table where 5' is required. Unanimous approval.*

## **VII. Staff Reports**

### **A. Director's Reports:**

- **Important Dates:**

- January 9, 2012 @ 5 p.m. – Board of Health Meeting
- February 13, 2012 @ 6 p.m. – Board of Health Meeting

### **B. Nurses' Reports for November, 2011 – The Nurses' Reports for November, 2011, were for informational purposes only.**

### **C. Inspectors' Reports for November, 2011 – The Inspectors' Reports for November, 2011 were for informational purposes only.**

## **VIII. Board Member Reports**

- N/A

## **IX. Adjournment**

*Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:12 p.m. Unanimous approval.*